

Serial No. : 10/634,329**Patent
Docket No. 156906-0016****REMARKS**

Initially, the undersigned attorney would like to thank Examiner Le for conducting a telephonic interview on September 14, 2005. In the remarks below, Applicant repeats the general points made in support of the pending claims, and the proposed amendments (which have been formally incorporated in this Amendment), discussed during the telephonic interview.

The § 102 and 103 Rejections

Claims 35-59 presently stand rejected as allegedly anticipated by and/or obvious over U.S. Patent No. 6,315,195 (Ramachandran), by itself or in combination with U.S. Patent No. 6,857,959 (Nguyen). More specifically, claims 35-41, 48-49, and 51-59 presently stand rejected under 102(b) as allegedly anticipated by Ramachandran '195. Claims 42-47 and 50 presently stand rejected under 103(a) as allegedly unpatentable over Ramachandran '195 in view of Nguyen '959. These rejections are respectfully traversed.

Each of the independent claims – 35, 40, 48, and 55 – has been amended in a similar manner to clarify the subject matter being claimed. Claim 35 will be addressed first, with similar comments being applicable to claims 40, 48 and 55. Claim 35 is directed to a "data device reader for reading portable data devices having a smart card portion and a readable static media portion, the smart card portion comprising an electronic purse, the data device reader comprising a "smart card interface for communicating with the smart card portion of a portable data

Serial No. : 10/634,329**Patent
Docket No. 156906-0016**

device," a "magnetic stripe reading head for reading the readable static media portion of the portable data device, and a "processor configured to perform money transfers between an account indicated by the readable static media portion of the portable data device and the electronic purse of the portable data device." The previously recited "communication links" in claim 35 have been amended to now recite, "a **first communication interface** connecting to a **remote** financial institution computer system, said processor programmed to communicate with the financial institution computer system in order to conduct credit or debit transactions," and "a **second communication interface** connecting to a **remote** point-of-sale computer system having an account associated with the electronic purse of the portable data device."

As discussed during the telephonic interview, Applicant respectfully submits that Ramachandran '195 in its preferred embodiment shown at, e.g., Fig. 4 thereof has a single interface ("modem" 52 shown in Fig. 4) for carrying out transactions with a remote location 56. In contrast, the data device reader in claim 35 has **first and second communication interfaces** to communicate separately with a remote financial institution computer system and a remote point-of-sale computer system — an exemplary embodiment being illustrated in Fig. 3 of the instant application. Notably, claim 35 has been amended to specify that the financial institution computer system and the point-of-sale computer system are "remote" to distinguish those features over the internal communication links in Ramachandran's device as depicted in, e.g., Fig. 4. The recited configuration allows the data device reader of claim 35 to provide, for example, a greater level of security and to facilitate the

Serial No. : 10/634,329

**Patent
Docket No. 156906-0016**

completion of transactions shifting funds from one account to another, while keeping both the remote financial institution computer system and the remote point-of-sale computer system concurrently involved in the transaction as it is being carried out. It is respectfully submitted that the aforementioned features are patentably distinct over Ramachandran '195, and that claim 35 should therefore be allowable.

The other cited reference, Nguyen '959, also does not disclose or suggest the recitals of claim 35.

Claims 40, 48, and 55 have been amended to contain similar recitals, and should therefore be allowable for similar reasons.

Claims 36-39, 41-47, 49-54, and 56-59 are dependent from claims 35, 40, 48, and 55, respectively, and should be allowable as depending from an allowable base claim.

Reservation of Right to Challenge Cited Items

While Applicant has addressed the cited items on the merits, this should not be construed as an admission that some or all of the cited items constitute prior art as against the claimed invention. Applicant reserves the right to antedate any of the cited items pursuant to the appropriate rules, laws, and regulations if deemed necessary to do so.

Likewise, Applicant's election to address the cited items on the merits should not be construed as an admission the items provide an enabling disclosure. Applicant reserves the right to challenge the sufficiency of the cited items at a later point in time, including in any post-issuance proceeding or suit, if appropriate.

Serial No. : 10/634,329**Patent
Docket No. 156906-0016****New Claims**

New claims 60-63 have been added. All of the new claims are dependent upon existing claims and are believed to be allowable for at least the same reasons as the claims from which they depend.

Request for Allowance

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any unresolved issue remains, the Examiner is invited to contact the undersigned by telephone to discuss those issues so that the Notice of Allowance can be mailed at the earliest possible date.

It is respectfully submitted that the instant application stands in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

IRELL & MANELLA LLP

Dated: September 14, 2005

By: Christopher A. Vanderlaan
Registration No. 37,7471800 Avenue of the Stars, Suite 900
Los Angeles, California 90067-4276
(310) 277-1010